

28 U.S.C. § 636(b)(1). This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions.” Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge’s Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Recommendation (Doc. 54) is **ADOPTED**. **IT IS FURTHER ORDERED** that Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence (Doc. 42) and his Motion to Amend [his] Section 2255 Motion with a New Issue (Doc. 53) are **DENIED** and that this action is dismissed with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 4th day of March, 2016.



United States District Judge